

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

DONALD L. MOSHIER, JR)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO. 05-180(ERIE)
)	
UNITED STATES OF AMERICA,)	JUDGE MCCLAUGHLIN
JOHN J. LAMANNA (Former Warden),)	MAGISTRATE JUDGE BAXTER
DOCTOR BEAM (Doctor at FCI McKean),)	
DOCTOR OLSON (Doctor at FCI McKean),)	Electronically Filed
DOCTOR SMITH (Health Administrator),)	
and JAMES SHERMAN)	
(FCI McKean Warden),)	
)	
Defendants.)	

**DEFENDANTS' MOTION TO EXTEND TIME FOR FILING
A RESPONSIVE PLEADING AND/OR DISPOSITIVE MOTION**

Pursuant to Rule 6(b)(1) of the Federal Rules of Civil Procedure, defendants the United States of America, John J. LaManna, Herbert Beam, M.D., Dennis Olson, M.D., Rodney Smith, H.S.A. (incorrectly identified as "Doctor Smith") and James Sherman, by their undersigned counsel, hereby file this Motion to Extend Time for Filing a Responsive Pleading and/or Dispositive Motion, and in support thereof state as follows:

1. *Pro se* plaintiff Donald L. Moshien, Jr. filed a Complaint in the above-captioned action, alleging tort and constitutional claims against defendants United States Federal Bureau of Prisons, FCI McKean Prison Medical Department and Warden James Sherman. Plaintiff alleges that he received improper medical care in connection with the treatment of his Hepatitis C virus while incarcerated at a federal prison in McKean County, Pennsylvania ("FCI McKean").
2. By Order dated July 10, 2006, the Court granted plaintiff's motion to amend/correct civil complaint. Plaintiff's Amended Complaint adds several individual

defendants, including defendants Beam, Olson and Smith. It also adds claims related to the medical treatment that plaintiff received at FCI McKean for gallbladder problems, as well as a growth on the side of his stomach. As relief, plaintiff seeks \$200,000 in damages, plus any other relief that the Court deems appropriate.

3. Defendants' responsive pleading or dispositive motion is currently due on August 22, 2006. Defendants needs additional time, however, to respond because of the current litigation demands of defense counsel. Further, his case involves complex medical issues and requires review of voluminous medical records.

4. Defendants therefore request an additional thirty (30) days, or until September 21, 2006, to respond to the allegations set forth in plaintiff's Complaint.

5. Such a brief extension will not unduly delay this litigation.

6. Plaintiff is a *pro se* inmate and, as a result, has not been contacted regarding his consent or opposition to this motion.

WHEREFORE, defendants respectfully request that the Court grant their request for a thirty (30) day extension, or until September 21, 2006, to file their responsive pleading and/or dispositive motion to plaintiff's Complaint.

A proposed order is attached.

Respectfully submitted,

MARY BETH BUCHANAN
United States Attorney

s/ Megan E. Farrell

MEGAN E. FARRELL
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Counsel for Defendants

Dated: August 21, 2006

CERTIFICATE OF SERVICE

I hereby certify that on this 21st day of August, 2006, a true and correct copy of the within Defendants' Motion to Extend Time for Filing a Responsive Pleading and/or Dispositive Motion was served via electronic and/or first-class mail, postage prepaid upon the following:

Donald L. Moshien, Jr.
No. 10924-052
USP Lewisburg
P.O. Box 1000
Lewisburg, PA 17837

s/ Megan E. Farrell

MEGAN E. FARRELL
Assistant U.S. Attorney